



**OFFICE OF THE
STATE'S ATTORNEY**
CECIL COUNTY, MARYLAND

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DATE: **February 21, 2021**

BILL NUMBER: **HB 411**

POSITION: **Support**

The Office of the State's Attorney for Cecil County supports HB 411.

HB 411 extends criminal sanctions that violate no-contact conditions of pre-trial release to individuals who are incarcerated either pre or post trial. Current law criminalizes the violation of pre-trial or posttrial no contact provisions issued by a judicial officer or trial judge with a 90-day maximum sentence. Recently, some judges have interpreted the elements of this crime to include a showing that the offender was actually "released" at the time the act was committed. Unfortunately, this dynamic has the effect of allowing incarcerated individuals who are subject to a no-contact conditions to escape accountability should they decide to use inmate phone privileges or mail to contact victims.

Many of these points of contact involve innocuous communications that are neither threatening or even hostile, yet the effect of that contact is devastating and can retraumatize victims or instill the unwillingness to participate in the process out of fear. This complicates prosecutions and erodes public safety simply because the interpretation of a statute that should apply, and was intended to apply, to all individuals subject to a pre-trial order apparently doesn't.

This straightforward legislation will immediately close this oversight and protect victims of violent crime and domestic violence as well as certain sexual crimes from harmful and offensive intrusions of incarcerated individuals.

The Office of the State's Attorney for Cecil County seeks a favorable report on HB 411.